

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**CRIMINAL MINUTES – JURY TRIAL
Day 3**

Case No.: 4:18CR00011

Date: 10/9/2019

Defendant:

4:18-cr-00011-MFU-RSB-1 Marcus Jay Davis
4:18-cr-00011-MFU-RSB-2 Kevin Lamont Trent, Jr.
4:18-cr-00011-MFU-RSB-3 Kanas Lamont'e Trent
4:18-cr-00011-MFU-RSB-4 Deshaun Lamar Trent
4:18-cr-00011-MFU-RSB-5 Phillip Daekwon Miles
4:18-cr-00011-MFU-RSB-6 Shabba Larun Chandler
4:18-cr-00011-MFU-RSB-8 Ashley Tiana Ross
(bond)
4:18-cr-00011-MFU-RSB-10 Tenikqua Fuller (bond)

Counsel:

Tony Anderson, Bev Davis
Aaron Cook, Jimmy Turk
Bonnie Lepold, Mike Hemenway
Chris Kowalczyk, Patrick Kenney
Tyson Daniel, Cary Bowen
Aaron Houchens, Jeff Dorsey
Terry Grimes

Corey Diviney

PRESENT:	JUDGE:	Michael F. Urbanski, CUSDJ
	TIME IN COURT:	9:12-11:42; 12:02-2:03; 2:41-4:08; 4:24-6:06 7h 40m
	Deputy Clerk:	Kristin Ayersman
	Court Reporter:	Judy Webb
	U. S. Attorney:	Heather Carlton, Ron Huber, Michael Newman
	USPO:	Kim Falatic
	Case Agent:	Devin Taylor, FBI TFO Pittsylvania County
	Interpreter:	none

LIST OF WITNESSES

GOVERNMENT	DEFENDANT
1.	1.

PROCEEDINGS:

Panel 4 – Collective voir dire. Recess 11:42 Reconvene 12:02 Joint motions for strikes for cause granted, those jurors dismissed. Individual voir dire. Recess 2:03 Reconvene 2:41 Individual voir dire continued. Recess 4:08 Reconvene 4:24 Individual voir dire continue. ECF 865 granted by oral order, rulings on other motions forthcoming. Adjourn 6:06

- 11 struck jurors struck for cause. Two TUA.
 # struck jurors struck by Government.
 # struck jurors struck by Defendant.
 # jurors sworn member jury impaneled and sworn. Remaining jurors discharged.
- ☐ Preliminary remarks and instructions to jury by Court.
☐ United States of America or Defendant makes oral Motion to Exclude Witnesses from Courtroom. Court grants motion.
☐ Opening Statements by counsel.
☐ Government presents evidence.
☐ Government rests.
☐ Defendant makes Motion for Judgment of Acquittal.
 Court ☐ grants ☐ denies ☐ takes under advisement.
☐ Defendant presents evidence.
☐ Defendant rests.
☐ Defendant renews Motion for Judgment of Acquittal.
 Court ☐ grants ☐ denies ☐ takes under advisement.
☐ Rebuttal evidence.
☐ Surrebuttal evidence.
☐ Closing Arguments.
☐ Jury Instructions given to Jury.
☐ Objections to Jury Instructions by U.S.A and/or Defendant.
 Court ☐ overrules ☐ grants.
☐ Jury retires to deliberate at Time retired.
☐ Jury returns at Time returned.
☐ Jury Verdict: Verdict?
☐ Jury polled. ☐ Polling waived.
☐ Mistrial declared. ☐ Jury discharged.
- ☐ Motions after verdict:
☐ Sentencing set for ____..
☐ Sentencing to be set by Clerk.
☐ Court orders Presentence Report.
☐ Defendant remanded to custody.
☐ Defendant to remain on bond.

Additional Information:

Court asks parties if email received re Juror 19, Panel 3 – discussion. Mr. Cook moves to strike for cause. Discussion. Court overrules, will stay on panel. Court addresses the video re D. Anthony. Court addresses voir dire process after having received email from counsel, and what court covers v. what counsel covers – court asks parties to eliminate duplicative questions/topics. Mr. Diviney asks court to address gang affiliation during court’s voir dire. Mr. Kowalczyk addresses reasonable doubt/presumption of innocence – court will not restrict questions. Mr. Kowalczyk makes some procedural suggestions. Discussion re strikes immediately after voir dire – court will do that today. US raises issues re pending motions. Mr. Kowalczyk w/d motion re power point slides (3) – US will remove. Court directs clerk to deny as moot. Jury enters courtroom 9:38